



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/691,894

10/23/2003

Mike E. Little

5681-33700

8981

58467

7590

03/17/2008

MHKKG/SUN

P.O. BOX 398

AUSTIN, TX 78767

EXAMINER

WILSON, YOLANDA L

ART UNIT

PAPER NUMBER

2113

MAIL DATE

DELIVERY MODE

03/17/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/691,894	Applicant(s) LITTLE ET AL.	
	Examiner Yolanda L. Wilson	Art Unit 2113	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 February 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,6,43-46,48,50-55,57-61,63-77,79,80 and 82 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,3,6,43-46,59-61,63-75 and 80 is/are allowed.
- 6) ☒ Claim(s) 48,50,52,54,57,58,76 and 79 is/are rejected.
- 7) ☒ Claim(s) 51,53 and 82 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 48,50,52,54,57,58,76,79 are rejected under 35 U.S.C. 102(e) as being anticipated by Kobata et al. (USPN 6170065B1). As per claim 48, Kobata et al. discloses listing of one or more of packages or patches in a product check matrix in a plurality of product check matrixes, wherein the product check matrix corresponds to one or more product issues in column 3, lines 64-67; defining separate checks, each comprising the one or more check elements related to the one or more product issues, wherein the one or more check elements includes a rule and wherein the one or more check elements are linked to the corresponding product check matrix with the one or more packages or patches for correcting the one or more product issues; and evaluating the rule against a fact to determine if the one or more product issues is present on a product in column 7, lines 19-31; column 3, lines 64-67. The rule is the comparison of client software info to the updated software in the part database.
3. As per claim 50, Kobata et al. discloses applying the one or more of the packages or patches to the product specified in the corresponding product check matrix

when the one or more product issues are discovered by evaluating the rule in column 7, lines 19-31.

4. As per claim 52, Kobata et al. discloses wherein the one or more of packages or patches listed by the product check matrix includes at least a package and a patch associated with the package; and wherein the method further comprises defining one or more associations between the package in the product check matrix and the patch in column 3, lines 64-67.

5. As per claim 54, Kobata et al. discloses wherein the one or more of packages or patches listed by the product check matrix includes at least a package and a patch associated with the package; wherein the method further comprises defining one or more associations between the package and the patch in the product check matrix; and wherein the one or more associations are defined according to patch updated applied to the package in a database accessible by a knowledge automation engine in column 7, lines 19-31.

6. As per claim 57, Kobata et al. discloses wherein the one or more check elements are used with the corresponding product check matrix in column 7, lines 19-31.

7. As per claim 58, Kobata et al. discloses wherein the one or more check elements are selected from the rule, a problem statement, or a link to reference documentation in column 7, lines 19-31. The rule is the comparison. The rule is the comparison of client software info to the updated software in the part database.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claim 76 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kobata et al. in view of McCaleb et al. (USPN 6751794B1). Kobata et al. discloses receiving a check from a knowledge repository, wherein the check comprises a rule for detecting a specific product issue; receiving a fact describing a product configuration; evaluating the rule against the fact to determine if the specific product issue exists for the product configuration; and applying a package listed in a product check matrix to correct the specific product issue, wherein the product check matrix is associated with the check and the specific product issue and is selectively accessed to determine a package to use to correct the specific product issue in column 7, lines 19-31 and column 3, lines 64-67.

Kobata et al. fails to explicitly state automatically update the product check matrix with a listing for a patch corresponding to the package.

McCaleb et al. discloses this limitation in column 4, lines 45-53; column 5, lines 25-50.

Accordingly, one of ordinary skill in the art would be motivated to automatically update the product check matrix with a listing for a patch corresponding to the package. A person of ordinary skill in the art would be motivated to automatically update the

product check matrix with a listing for a patch corresponding to the package because versions of software need to be kept up to date.

10. As per claim 79, Kobata et al. disclose receiving the corresponding product check matrix with the check in column 7, lines 19-31.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yolanda L. Wilson whose telephone number is (571) 272-3653. The examiner can normally be reached on M-F (7:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Beausoliel can be reached on (571) 272-3645. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Yolanda L Wilson/
Primary Examiner, Art Unit 2113